

1 TO THE HONORABLE SENATE:

2 The Committee on Transportation to which was referred House Bill No.
3 876 entitled “An act relating to the transportation capital program and
4 miscellaneous changes to transportation-related law” respectfully reports that it
5 has considered the same and recommends that the Senate propose to the House
6 that the bill be amended by striking out all after the enacting clause and
7 inserting in lieu thereof the following:

8 * * * Adoption of Proposed Transportation Program as Amended;

9 Definitions * * *

10 Sec. 1. TRANSPORTATION PROGRAM ADOPTED; DEFINITIONS

11 (a) The Agency of Transportation’s proposed fiscal year 2017
12 Transportation Program appended to the Agency of Transportation’s proposed
13 fiscal year 2017 budget, as amended by this act, is adopted to the extent
14 federal, State, and local funds are available.

15 (b) As used in this act, unless otherwise indicated:

16 (1) “Agency” means the Agency of Transportation.

17 (2) “Secretary” means the Secretary of Transportation.

18 (3) The table heading “As Proposed” means the Transportation Program
19 referenced in subsection (a) of this section; the table heading “As Amended”
20 means the amendments as made by this act; the table heading “Change” means
21 the difference obtained by subtracting the “As Proposed” figure from the “As

1 Amended” figure; and the term “change” or “changes” in the text refers to the
2 project- and program-specific amendments, the aggregate sum of which equals
3 the net “Change” in the applicable table heading.

4 (4) “TIB funds” or “TIB” refers to monies deposited in the
5 Transportation Infrastructure Bond Fund in accordance with 19 V.S.A. § 11f.

6 * * * Appropriation of Transportation Funds * * *

7 Sec. 2. 19 V.S.A. § 11a is amended to read:

8 § 11a. TRANSPORTATION FUNDS APPROPRIATED FOR THE
9 DEPARTMENT OF PUBLIC SAFETY

10 (a) No transportation funds shall be appropriated for the support of
11 government other than for the Agency, the Board, Transportation Pay Act
12 Funds, construction of transportation capital facilities, transportation debt
13 service, the operation of information centers by the Department of Buildings
14 and General Services, and the Department of Public Safety. The amount of
15 transportation funds appropriated to the Department of Public Safety shall not
16 exceed:

17 (1) \$25,250,000.00 in fiscal year 2014;

18 (2) \$22,750,000.00 in fiscal years 2015 and 2016; and

19 (3) ~~\$20,250,000.00~~ \$21,550,000.00 in fiscal year 2017; and ~~in~~

20 ~~succeeding fiscal years~~

21 (4) \$20,250,000.00 in fiscal year 2018 and in succeeding fiscal years.

1 (b) In fiscal year 2017 and in succeeding fiscal years, of the funds
2 appropriated to the Department of Public Safety pursuant to subsection (a) of
3 this section, the amount of \$2,100,000.00 is allocated exclusively for the
4 purchase, outfitting, assignment, and disposal of State Police vehicles. Any
5 unexpended and unencumbered funds remaining in this allocation at the close
6 of a fiscal year shall revert to the Transportation Fund. The Department of
7 Public Safety may periodically recommend to the General Assembly that this
8 allocation be adjusted to reflect market conditions for the vehicles and
9 equipment.

10 * * * Program Development Program * * *

11 Sec. 2a. PROGRAM DEVELOPMENT; SPENDING AUTHORITY

12 (a) Reduction in spending authority. Spending authority in the Program
13 Development Program within the fiscal year 2017 Transportation Program
14 hereby is reduced by:

15 (1) \$1,507,836.00 in transportation funds;

16 (2) \$86,204.00 in TIB funds;

17 (3) \$6,376,160.00 in federal funds.

18 (b) Selection of projects; notification of delays. In his or her discretion, the
19 Secretary shall select the projects for which spending will be reduced under
20 subsection (a) of this section. In exercising his or her discretion, the Secretary
21 shall not delay a project that otherwise would proceed in fiscal year 2017,

1 unless the full amount of the reduction cannot be achieved from cost savings or
2 the delay of projects due to unforeseen circumstances. If a project that
3 otherwise would have proceeded in fiscal year 2017 is delayed, the Secretary
4 shall promptly notify:

5 (1) the House and Senate Committees on Transportation when the
6 General Assembly is in session; or

7 (2) the Joint Transportation Oversight Committee and the Joint Fiscal
8 Office when the General Assembly is not in session.

9 (c) Contingent restoration of spending authority.

10 (1) As used in this subsection:

11 (A) “Transportation Fund balance” means a positive balance of
12 unreserved monies remaining in the Transportation Fund at the end of fiscal
13 year 2016.

14 (B) “TIB Fund balance” means a positive balance of unreserved
15 monies remaining in the Transportation Infrastructure Bond Fund at the end of
16 fiscal year 2016.

17 (2) Subject to the funding of the Transportation Fund Stabilization
18 Reserve in accordance with 32 V.S.A. § 308a and to the limitations of 19
19 V.S.A. § 11f (Transportation Infrastructure Bond Fund), and notwithstanding
20 32 V.S.A. § 308c (Transportation Fund Balance Reserve), if a Transportation
21 Fund balance, TIB Fund balance, or balance in both funds exists at the end of

1 fiscal year 2016, spending authority reduced in subsection (a) of this section in
2 the fiscal year 2017 Program Development Program shall be restored to the
3 extent of the balance or balances, up to a total of \$1,594,040.00 in
4 Transportation Funds or TIB funds, and by up to \$6,376,160.00 in matching
5 federal funds.

6 Sec. 2b. PROGRAM DEVELOPMENT; ALLOCATION FOR
7 EDUCATION INITIATIVES

8 Within authorized spending in the Program Development Program, the
9 Secretary shall allocate up to \$100,000.00 in federal National Highway
10 Transportation Safety Administration grant funds to the Share the Road
11 Program and to other highway safety educational initiatives. These monies
12 shall be used to educate the users of the State's transportation system on how
13 to improve the safety of all users, including bicyclists and operators of motor
14 vehicles.

15 * * * Roadway Program * * *

16 Sec. 3. ROADWAY PROGRAM; PROJECT CANCELLATION

17 Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of
18 projects), the General Assembly approves cancellation of the following project
19 from the candidate list within the Roadway Program within the fiscal year
20 2017 Transportation Program: Colchester STP 0207().

* * * Traffic and Safety Program * * *

Sec. 4. TRAFFIC AND SAFETY PROGRAM; PROJECTS ADDED

The following projects are added to the candidate list of the Traffic and Safety Program within the fiscal year 2017 Transportation Program:

(1) Derby – US 5/I-91 Exit 28 – intersection improvements.

(2) Derby – US 5/VT 105 – intersection improvements.

(3) St. Albans – VT 104/I-89 Exit 19 – intersection improvements.

* * * Bike and Pedestrian Program; Lamoille Valley Rail Trail * * *

Sec. 5. BIKE AND PEDESTRIAN FACILITIES PROGRAM; LAMOILLE

VALLEY RAIL TRAIL

(a)(1) The Bike and Pedestrian Facilities Program within the fiscal year 2017 Transportation Program is amended to add a project for the rehabilitation or replacement of structures, permitting activities, engineering services, and trail construction related to development of the State-owned Lamoille Valley Rail Trail (LVRT). The project shall be funded with:

(A) monies raised by the Vermont Association of Snow Travelers (VAST) before January 1, 2017; plus

(B) up to \$400,000.00 of State transportation funds or eligible federal funds, or both, to match each dollar raised by VAST.

(2) Any matching funds shall be identified by the Secretary from some combination of:

1 (A) the unanticipated delay of projects approved in the fiscal year
2 2017 Bike and Pedestrian Facilities Program;

3 (B) cost savings on projects approved in the fiscal year 2017 Bike
4 and Pedestrian Facilities Program;

5 (C) Statewide New Awards—Federal Aid Construction Projects
6 grant money authorized in the fiscal year 2017 Bike and Pedestrian Facilities
7 Program.

8 (b) In its fiscal year 2018 Transportation Program proposal, the Agency
9 shall include a project within the Bike and Pedestrian Facilities Program for
10 the rehabilitation or replacement of structures, permitting activities,
11 engineering services, and trail construction related to development of the
12 LVRT. The project shall be funded with:

13 (1) monies raised by the Vermont Association of Snow Travelers
14 (VAST) from January 1, 2017 to January 1, 2018; plus

15 (2) up to \$1,000,000.00 of State transportation funds or eligible federal
16 funds, or both, to match each dollar raised by VAST.

* * * Municipal Mitigation Grant Program * * *

Sec. 6. MUNICIPAL MITIGATION GRANT PROGRAM

Notwithstanding 2015 Acts and Resolves No. 40, Sec. 21a, funding sources for the fiscal year 2017 Municipal Mitigation Grant Program are amended as follows:

<u>FY17</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
State	1,440,000	1,240,000	-200,000
Federal	0	200,000	200,000
Clean Water Fund	1,465,000	1,465,000	0
Total	2,905,000	2,905,000	0

* * * Central Garage * * *

Sec. 7. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2017, the amount of \$1,283,215.00 is transferred from the Transportation Fund to the Central Garage Fund created in 19 V.S.A. § 13.

* * * Positions * * *

Sec. 8. POSITIONS

(a) The Agency is authorized to establish two (2) new permanent classified positions related to water quality improvements.

(b) Seven (7) of the twenty-one (21) limited service positions authorized in 2012 Acts and Resolves No. 75, Sec. 87(e), as amended by 2014 Acts and

1 Resolves No. 95, Sec. 64, hereby are converted to permanent classified
2 positions.

3 (c) Nine (9) of the seventeen (17) limited service positions authorized in
4 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and
5 Resolves No. 95, Sec. 65, hereby are converted to permanent classified
6 positions.

7 (d) One (1) limited service position, number 861864 (Civil Engineer VII),
8 created on May 6, 2012 and due to expire on December 31, 2016, hereby is
9 converted to a permanent classified position.

10 (e) Three (3) of the seventeen (17) limited service positions authorized in
11 2012 Acts and Resolves No. 153, Sec. 21(a), as amended by 2014 Acts and
12 Resolves No. 95, Sec. 65, hereby are extended to June 30, 2019. The Agency
13 may use these three positions for activities that are not related to the response
14 to Tropical Storm Irene and the spring 2011 flooding.

15 (f) The following two (2) limited service positions hereby are extended
16 through June 30, 2019: number 861837 (Administrative Services Coordinator
17 I), created on March 11, 2012 and due to expire on June 30, 2016, and number
18 861865 (Civil Engineer I), created on May 6, 2012 and due to expire on
19 December 31, 2016.

* * * Rail Program * * *

Sec. 9. FISCAL YEAR 2016 RAIL PROGRAM; PROJECT ADDED

The following project is added to the candidate list of the Rail Program within the fiscal year 2016 Transportation Program: Rutland – Burlington – TIGERVII () (Western VT Freight–Passenger Rail).

* * * Sale of State-Owned Railroad Property * * *

Sec. 10. APPROVAL OF SALE OF STATE-OWNED RAILROAD
PROPERTY

Upon receiving satisfactory evidence of release of the leasehold interest of Vermont Railway, Inc., the Secretary as agent for the State is authorized to convey to the Town of Bennington, in consideration of the sum of \$1.00, a parcel of land of approximately 2.5 acres (the “property”) in the Town of Bennington located south of River Street and west of the 150 Depot Street parcel now or formerly owned by Station Realty, LLC. The conveyance must require that the Town’s interest automatically will terminate in the event the property ceases to be used for public purposes, in which event the property will revert to the State. However, the Secretary and the Town may enter into a boundary adjustment agreement with the owner of the 150 Depot Street parcel in order to cure any title defect that may exist, and the Secretary as agent for the State may disclaim any reversionary interest in the boundary adjustment area.

* * * Rail Trespassing * * *

Sec. 11. 5 V.S.A. § 3734 is amended to read:

§ 3734. TRESPASS ON RAILROAD PROPERTY; PENALTY

~~A person who, without right, loiters or remains in a depot, or upon the platform, approaches, or grounds adjacent thereto, after being requested to leave by a railroad policeman, sheriff, deputy sheriff, constable, or policeman, shall be fined not more than \$20.00 nor less than \$2.00.~~

(a) Definitions. As used in this section:

(1) “Passenger” means a person traveling by train with lawful authority and who does not participate in the train’s operation. The term “passenger” does not include a stowaway.

(2) “Railroad” means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways. “Railroad” does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

(3) “Railroad carrier” means a person providing railroad transportation.

(4)(A) “Railroad property” means the following property owned, leased, or operated by a railroad carrier or used in its rail operations:

(i) a right-of-way, track, yard, station, shed, or depot;

(ii) a train, locomotive, engine, car, work equipment, rolling stock, or safety device; and

1 (iii) a “railroad structure,” which means a bridge, tunnel, viaduct,
2 trestle, culvert, abutment, communication tower, or signal equipment.

3 (B) “Railroad property” does not include inactive railroad property of
4 the Twin State Railroad.

5 (5) “Right-of-way” means the track and roadbed owned, leased, or
6 operated by a railroad carrier and property located on either side of the tracks
7 that is readily recognizable to a reasonable person as being railroad property or
8 is reasonably identified as such by fencing or appropriate signs.

9 (6) “Yard” means a system of parallel tracks, crossovers, and switches
10 where railroad cars are switched and made up into trains, and where railroad
11 cars, locomotives, and other rolling stock are kept when not in use or when
12 awaiting repairs.

13 (b) Trespassing on railroad property prohibited. Except for the purpose of
14 crossing railroad property at a public highway or other authorized crossing, a
15 person shall not, without lawful authority or the railroad carrier’s written
16 permission, knowingly enter or remain upon railroad property by an act
17 including:

18 (1) standing, sitting, resting, walking, jogging, or running, or operating a
19 recreational or nonrecreational vehicle, including a bicycle, motorcycle,
20 snowmobile, car, or truck; or

1 (2) engaging in recreational activity, including bicycling, hiking,
2 camping, or cross-country skiing.

3 (c) Stowaways prohibited. A person shall not, without lawful authority or
4 the railroad carrier's written permission, ride on the outside of a train or inside
5 a passenger car, locomotive, or freight car, including a box car, flatbed, or
6 container.

7 (d) Persons not subject to ticketing. The following is a nonexhaustive list
8 of persons who, for the purposes of this section, are not subject to ticketing for
9 trespass under subsections (b) and (c) of this section:

10 (1) passengers on trains, or employees of a railroad carrier while
11 engaged in the performance of their official duties;

12 (2) police officers, firefighters, peace officers, and emergency response
13 personnel, while engaged in the performance of their official duties;

14 (3) a person going upon railroad property in an emergency to rescue
15 from harm a person or animal such as livestock, pets, or wildlife, or to remove
16 an object that the person reasonably believes to pose an imminent hazard;

17 (4) a person on the station grounds or in the depot of the railroad carrier
18 as a passenger or for the purpose of transacting lawful business;

19 (5) a person, or the person's family or invitee, or the person's employee
20 or independent contractor going upon a railroad's right-of-way for the purpose
21 of crossing at a private crossing site approved by the railroad carrier or

1 authorized by law in order to obtain access to land that the person owns, leases,
2 or operates;

3 (6) a person who has permission from the owner, lessee, or operator of
4 land served by a private crossing site approved by the railroad carrier or
5 authorized by law, to use the crossing for recreational purposes and who enters
6 upon the crossing for such purposes;

7 (7) a person having written permission from the railroad carrier to go
8 upon the railroad property in question;

9 (8) representatives of the Transportation Board or Agency of
10 Transportation while engaged in the performance of their official duties;

11 (9) representatives of the Federal Railroad Administration while
12 engaged in the performance of their official duties;

13 (10) representatives of the National Transportation Safety Board while
14 engaged in the performance of their official duties; or

15 (11) a person who enters or remains in a railroad right-of-way, but not
16 within a rail yard or on a railroad structure, while lawfully engaged in hunting,
17 fishing, or trapping; however, a person shall not be exempt from ticketing
18 under this subdivision if he or she enters within an area extending eight feet
19 outward from either side of the rail and within the rail unless he or she crosses
20 and leaves this area quickly, safely, and at an angle of approximately 90
21 degrees to the direction of the rail.

1 (e) Nothing in this section is intended to modify the rights, duties,
2 liabilities, or defenses available to any person under any other law or under a
3 license or agreement.

4 (f) Penalty. A violation of this section is a traffic violation as defined
5 in 23 V.S.A. chapter 24 and an action under this section shall be brought in
6 accordance with 4 V.S.A. chapter 29. A person who violates this section shall
7 be subject to a civil penalty of not more than \$200.00.

8 Sec. 12. 5 V.S.A. § 3735 is amended to read:

9 § 3735. ~~BOARDING TRAIN OR LOITERING ABOUT RAILROAD~~

10 ~~PROPERTY; PENALTY~~

11 ~~A person boarding or riding without permission on a train, car, or~~
12 ~~locomotive, other than a passenger train, or a person boarding or riding on a~~
13 ~~passenger train without paying fare, or a person loitering in or about a railroad~~
14 ~~yard, station or car without permission, shall be imprisoned not more than~~
15 ~~90 days, or fined not more than \$25.00, or both. [Repealed.]~~

16 Sec. 13. 23 V.S.A. § 2302(a) is amended to read:

17 (a) As used in this chapter, “traffic violation” means:

18 * * *

19 (7) a violation of 5 V.S.A. § 3408(c), relating to trail use of certain
20 State-owned railroad corridors, or of 5 V.S.A. § 3734, related to trespassing on
21 railroad property;

* * *

* * * Transportation Capital Program; Prioritization System * * *

Sec. 14. 19 V.S.A. § 10g(1) is amended to read:

(1) The Agency shall develop a numerical grading system to assign a priority rating to all Program Development Paving, Program Development Roadway, Program Development Safety and Traffic Operations, Program Development State and Interstate Bridge, Town Highway Bridge, and Bridge Maintenance projects. The rating system shall consist of two separate, additive components as follows:

(1) One component shall be limited to asset ~~management-based~~ management- and performance-based factors which are objective and quantifiable and shall consider, without limitation, the following:

(A) the existing safety conditions in the project area and the impact of the project on improving safety conditions;

(B) the average, seasonal, peak, and nonpeak volume of traffic in the project area, including the proportion of traffic volume relative to total volume in the region, and the impact of the project on congestion and mobility conditions in the region;

(C) the availability, accessibility, and usability of alternative routes;

(D) the impact of the project on future maintenance and reconstruction costs; ~~and~~

1 (E) the relative priority assigned to the project by the relevant
2 regional planning commission ~~or the Chittenden County Metropolitan Planning~~
3 ~~Organization;~~

4 (F) the resilience of the transportation infrastructure to floods and
5 other extreme weather events.

6 (2) The second component of the priority rating system shall consider,
7 without limitation, the following factors:

8 (A) the ~~functional~~ importance of the ~~highway or bridge~~ transportation
9 infrastructure as a ~~link~~ factor in the local, regional, or State economy; and

10 (B) the ~~functional~~ importance of the ~~highway or bridge~~ transportation
11 infrastructure in the health, social, and cultural life of the surrounding
12 communities.

13 (3) The priority rating system for Program Development Roadway
14 projects shall award as bonus points an amount equal to 10 percent of the total
15 base possible rating points to projects within a designated downtown
16 development district established pursuant to 24 V.S.A. § 2793.

* * * Adjustments to Existing Projects * * *

Sec. 15. 19 V.S.A. § 10h is amended to read:

§ 10h. ~~ADJUSTMENTS TO EXISTING PROJECTS; SUSPENSION OF
OVERRUNS; COOPERATIVE INTERSTATE AGREEMENT~~

(a) ~~The agency shall report to the transportation board each project for which the current construction cost estimate exceeds the last approved construction cost estimate by a substantial level, as substantial level is defined by the transportation board. The transportation board shall review such a project, and may grant approval to proceed. If not approved by the transportation board, the project shall not proceed to contract award until approved by the general assembly. [Repealed.]~~

(b) In connection with any authorized construction project in the ~~state~~ State of Vermont which extends into or affects an adjoining state, the ~~agency~~ Agency, on behalf of the ~~state~~ State of Vermont, may enter into a cooperative agreement with the adjoining state or any political subdivision of an adjoining state which apportions duties and responsibilities for planning preliminary engineering, including environmental studies, right-of-way acquisition, construction, and maintenance.

Sec. 16. 19 V.S.A. § 10g(h) is amended to read:

(h) Should capital projects in the Transportation Program be delayed because of unanticipated problems with permitting, right-of-way acquisition,

1 construction, local concern, or availability of federal or State funds, the
2 Secretary is authorized to advance projects in the approved Transportation
3 Program. The Secretary is further authorized to undertake projects to resolve
4 emergency or safety issues. Upon authorizing a project to resolve an
5 emergency or safety issue, the Secretary shall give prompt notice of the
6 decision and action taken to the Joint Fiscal Office and to the House and
7 Senate Committees on Transportation when the General Assembly is in
8 session, and when the General Assembly is not in session, to the Joint
9 Transportation Oversight Committee. Should an approved project in the
10 current Transportation Program require additional funding to maintain the
11 approved schedule, the Agency is authorized to allocate the necessary
12 resources. However, the Secretary shall not delay or suspend work on
13 approved projects to reallocate funding for other projects except when other
14 funding options are not available. In such case, the Secretary shall notify the
15 members of the Joint Transportation Oversight Committee and the Joint Fiscal
16 Office. With respect to projects in the approved Transportation Program, the
17 Secretary shall notify, in the district affected, the regional planning
18 commission, the municipality, Legislators, members of the Senate and House
19 Committees on Transportation, and the Joint Fiscal Office of ~~any significant~~
20 ~~change in design, change in construction cost estimates requiring referral to the~~
21 ~~Transportation Board under section 10h of this title, or any change which~~

likely will affect the fiscal year in which the project is planned to go to construction. No project shall be cancelled without the approval of the General Assembly.

* * * Reporting Required in Proposed Transportation Program * * *

Sec. 17. 19 V.S.A. § 10g(g) is amended to read:

(g) The Agency's annual proposed Transportation Program shall include a ~~separate report~~ project updates referencing this section ~~describing and listing~~ the following:

(1) all proposed projects in the Program ~~which~~ that would be new to the State Transportation Program if adopted;

(2) all projects for which total estimated costs have increased by more than \$8,000,000.00 or by more than 100 percent from the estimate in the prior fiscal year's approved Transportation Program;

(3) all projects funded for construction in the prior fiscal year's approved Transportation Program that are no longer funded in the proposed Transportation Program submitted to the General Assembly, the projected costs for such projects in the prior fiscal year's approved Transportation Program, and the total costs incurred over the life of each such project.

* * * Joint Transportation Oversight Committee * * *

Sec. 18. 19 V.S.A. § 12b is amended to read:

§ 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE

(a) There is created a Joint Transportation Oversight Committee composed of the Chairs of the House and Senate Committees on Appropriations, the House and Senate Committees on Transportation, the House Committee on Ways and Means, and the Senate Committee on Finance. The Committee shall be chaired alternately by the Chairs of the House and Senate Committees on Transportation, and the two-year term shall run concurrently with the biennial session of the Legislature. The Chair of the Senate Committee on Transportation shall chair the Committee during the 2009–2010 legislative session.

(b) The Committee shall meet during adjournment for official duties. Meetings shall be convened by the Chair and when practicable shall be coordinated with the regular meetings of the Joint Fiscal Committee. Members shall be entitled to compensation and reimbursement pursuant to 2 V.S.A. § 406. The Committee shall have the assistance of the staff of the Office of Legislative Council and the Joint Fiscal Office.

(c) The Committee shall provide legislative ~~overview~~ oversight of the Transportation Fund revenues collection and the operation and administration of the Agency of Transportation construction, paving, and rehabilitation

1 programs. The Secretary of Transportation shall report to the Oversight
2 Committee upon request.

3 ~~(d)(1) In coordination with the regular meetings of the Joint Fiscal~~
4 ~~Committee in mid-November, the Secretary shall prepare a report on the status~~
5 ~~of the State's transportation finances and transportation programs. If a meeting~~
6 ~~of the Committee is not convened on the scheduled dates of the Joint Fiscal~~
7 ~~Committee meetings, the Secretary in advance shall transmit the report~~
8 ~~electronically to the Joint Fiscal Office for distribution to Committee members.~~
9 ~~The report shall list contract bid awards versus project estimates and all known~~
10 ~~or projected cost overruns, project savings, and funding availability from~~
11 ~~delayed projects with respect to:~~

12 ~~(A) all paving projects other than statewide maintenance~~
13 ~~programs; and~~

14 ~~(B) all projects in the Roadway, State Bridge, Interstate Bridge, or~~
15 ~~Town Bridge programs with authorized spending in the fiscal year of~~
16 ~~\$500,000.00 or more with a cost overrun equal to 20 percent or more of the~~
17 ~~authorized spending or generating project savings or delayed project available~~
18 ~~funding equal to 20 percent or more of the authorized spending.~~

19 ~~(2) The report required under subdivision (1) of this subsection also~~
20 ~~shall describe the Agency's actions taken or planned to cover the cost overruns~~
21 ~~and to reallocate the project savings and delayed project funds, and shall~~

1 ~~discuss the Agency's plans to adjust spending to any changes in the consensus~~
2 ~~forecast for Transportation Fund revenues.~~

3 (3) If and when applicable, the Secretary shall submit electronically to
4 the Joint Fiscal Office for distribution to members of the Joint Transportation
5 Oversight Committee a report summarizing any plans or actions taken to delay
6 project schedules as a result of:

7 (A)(1) a generalized increase in bids relative to project estimates;

8 (B)(2) changes in the consensus revenue forecast of the Transportation
9 Fund or Transportation Infrastructure Bond Fund; or

10 (C)(3) changes in the availability of federal funds.

11 * * * Appropriation; State Aid for Town Highways * * *

12 Sec. 19. 19 V.S.A. § 306 is amended to read:

13 § 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

14 * * *

15 (d) State aid for nonfederal disasters. There shall be an annual
16 appropriation for emergency aid in repairing, building, ~~or rebuilding or~~
17 reconstructing class 1, 2, or 3 town highways ~~and bridges~~ and for repairing or
18 replacing drainage structures including bridges on class 1, 2, 3, and 4 town
19 highways damaged by natural or man-made disasters. Eligibility for use of
20 emergency aid under this appropriation shall be subject to the following
21 criteria:

1 (1) The Secretary of Transportation shall determine that the disaster is of
2 such magnitude that State aid is both reasonable and necessary to preserve the
3 public good. If total cumulative damages to town highways and drainage
4 structures are less than the value of 10 percent of the town's overall total
5 highway budget excluding the town's winter maintenance budget, the disaster
6 shall not qualify for assistance under this subsection.

7 (2) The disaster shall not qualify for major disaster assistance from the
8 Federal Emergency Management Agency (FEMA) under the Robert T.
9 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121
10 et seq., or from the Federal Highway Administration (FHWA) under the
11 23 C.F.R. Part 668 Emergency Relief Program for federal-aid highways.

12 (3) Towns shall be eligible for reimbursement for repair or replacement
13 costs of either up to 90 percent of the eligible repair or replacement costs or the
14 eligible repair or replacement costs, minus an amount equal to 10 percent of
15 the overall total highway budget, minus the town's winter maintenance budget,
16 whichever is greater.

17 (4) For towns that have adopted road and bridge standards, eligibility for
18 reimbursement for repair or replacement of infrastructure shall be to those
19 standards. For towns that have not adopted these standards, eligibility for
20 reimbursement for repair or replacement of infrastructure shall be limited to
21 the specifications of the infrastructure that preexisted the emergency event;

1 however, the repair or replacement shall be to standards approved by the
2 Agency of Transportation.

3 (5) For a drainage structure on a class 4 town highway to be eligible for
4 repair or replacement under this subsection, the town must document that it
5 maintained the structure prior to the nonfederal disaster.

6 (6) Such additional criteria as may be adopted by the Agency of
7 Transportation through rulemaking under 3 V.S.A. chapter 25.

8 * * *

9 * * * Highways; Alterations; Quasi-Judicial Process * * *

10 Sec. 20. 19 V.S.A. § 923 is amended to read:

11 § 923. QUASI-JUDICIAL PROCESS

12 In order to protect the rights of ~~property owners~~ interested persons and the
13 public, the process described in this section shall be used whenever so
14 provided by other provisions of this title. As used in this section, “interested
15 person” means a person who has a legal interest of record in the property that
16 would be affected by the proposed action.

17 (1) ~~Notice Written notice by certified mail shall be given~~ Notice. The
18 selectboard shall give written notice by certified mail or by one of the methods
19 allowed by Rule 4 of the Vermont Rules of Civil Procedure for service of
20 original process to the property owner or any interested person describing the
21 proposed activity affecting the property. The notice shall include a date and

1 time when the selectboard shall inspect the premises. The notice shall precede
2 the inspection by 30 days or more except in the case of an emergency.

3 (2) Inspection of premises—. The ~~selectmen~~ selectboard shall view the
4 area and receive any testimony pertinent to the problem including suggested
5 awards for damages, if any.

6 (3) Necessity—. The ~~selectmen~~ selectboard shall decide on the
7 necessity for the activity or work proposed and establish any conditions for
8 accomplishing it. This includes the award of damages, if applicable. The
9 selectboard shall announce the decision and the reason for it ~~shall be~~
10 ~~announced~~ within 10 days of the inspection unless the selectboard formally
11 ~~delayed by the selectboard~~ delays the proceeding in order to receive more
12 testimony.

13 (4) Notifying parties—. The ~~selectmen~~ selectboard shall notify the
14 ~~property owner~~ interested persons and other interested parties of their decision.
15 They shall file a copy of their decision with the town clerk within 10 days of
16 its announcement.

17 (5) Appeal—. If an ~~owner~~ interested person is dissatisfied with the
18 award for damages, he or she may appeal using any of the procedures listed in
19 chapter 5 of this title. Notice or petition for appeal shall not delay the
20 proposed work or activity.

1 Sec. 21. 19 V.S.A. § 518 is amended to read:

2 § 518. MINOR ALTERATIONS TO EXISTING FACILITIES

3 (a) ~~For purposes of~~ As used in this section, the term “minor alterations to
4 existing facilities” means any of the following activities involving existing
5 facilities, provided the activity does not require a permit under 10 V.S.A.
6 chapter 151 (Act 250):

7 (1) Activities which qualify as “categorical exclusions” under 23 C.F.R.
8 § 771.117 and the National Environmental Policy Act of 1969, as amended,
9 42 U.S.C. §§ 4321–4347.

10 (2) Activities involving emergency repairs to or emergency replacement
11 of an existing bridge, culvert, highway, or State-owned railroad, even if the
12 need for repairs or replacement does not arise from damage caused by a natural
13 disaster or catastrophic failure from an external cause. Any temporary rights
14 under this subdivision shall be limited to 10 years from the date of taking.

15 (b) In cases involving minor alterations to existing facilities, the Agency,
16 following the procedures of section 923 of this title, may exercise the powers
17 of a selectboard. However, if an interested person has not provided the
18 Agency with identification information necessary to process payment, or if an
19 owner refuses an offer of payment, payment shall be deemed to be tendered
20 when the Agency makes payment into an escrow account that is accessible by
21 the owner upon his or her providing any necessary identification information.

1 If Further, if an appeal is taken under subdivision 923(5) of this title, the
2 person taking the appeal shall follow the procedure specified in section 513 of
3 this title.

4 * * * Water Quality * * *

5 Sec. 22. FINDINGS; AGENCY OF TRANSPORTATION; STORMWATER
6 CREDIT

7 For the purposes of this section and Secs. 23–29 of this act (Agency of
8 Transportation stormwater credit), the General Assembly finds and declares
9 that:

10 (1) the federal Clean Water Act, State water quality requirements under
11 10 V.S.A. chapter 47, and the municipal separate storm sewer system permit
12 for transportation infrastructure, require the treatment and control of
13 stormwater from State highway rights-of-way and other property owned,
14 controlled, or managed by the Agency; and

15 (2) because of the traditional and continuing expenditures of the Agency
16 for the construction, operation, and maintenance of stormwater control
17 infrastructure designed to control stormwater runoff from State highway
18 rights-of-way and developed lands owned, controlled, or managed by the
19 Agency, it is fair and equitable to provide the Agency with a uniform credit
20 against fees assessed by municipalities for the management of stormwater.

1 Sec. 23. 24 V.S.A. § 3501(7) is amended to read:

2 (7) “Storm water” or “storm sewage” ~~is the excess water from rainfall or~~
3 ~~continuously following therefrom~~ shall have the same meaning as “stormwater
4 runoff” under 10 V.S.A. § 1264.

5 Sec. 24. 24 V.S.A. § 3615 is amended to read:

6 § 3615. RENTS; RATES

7 (a) Such municipal corporation, through its board of sewage disposal
8 commissioners, may establish charges to be called “sewage disposal charges,”
9 to be paid at such times and in such manner as the commissioners may
10 prescribe. The commissioners may establish annual charges separately for
11 bond repayment, fixed operations and maintenance costs (not dependent on
12 actual use), and variable operations and maintenance ~~cost~~ costs dependent on
13 flow. Such charges may be based upon:

14 (1) the metered consumption of water on premises connected with the
15 sewer system, however, the commissioners may determine no user will be
16 billed for fixed operations and maintenance costs and bond payment less than
17 the average single family charge;

18 (2) the number of equivalent units connected with or served by the
19 sewage system based upon their estimated flows compared to the estimated
20 flows from a single family dwelling however, the commissioners may
21 determine no user will be billed less than the minimum charge determined for

1 the single family dwelling charge for fixed operations and maintenance costs
2 and bond payment;

3 (3) the strength and flow where wastes stronger than household wastes
4 are involved;

5 (4) the appraised value of premises, in the event that the commissioners
6 shall determine the sewage disposal plant to be of general benefit to the
7 municipality regardless of actual connection with the same;

8 (5) the commissioners' determination developed using any other
9 equitable basis such as the number and kind of plumbing fixtures, the number
10 of persons residing on or frequenting the premises served by those sewers, the
11 topography, size, type of use, or impervious area of any premises; or

12 (6) any combination of these bases, so long as the combination is
13 equitable.

14 (b) The basis for establishing sewer disposal charges shall be reviewed
15 annually by sewage disposal commissioners. No premises otherwise exempt
16 from taxation, including premises owned by the ~~state~~ State of Vermont, shall,
17 by virtue of any such exemption, be exempt from charges established
18 hereunder. The commissioners may change the rates of such charges from
19 time to time as may be reasonably required. Where one of the bases of such
20 charge is the appraised value and the premises to be appraised are tax exempt,
21 the commissioners may cause the listers to appraise such property, including

1 ~~state~~ State property, for the purpose of determining the sewage disposal
2 charges. The right of appeal from such appraisal shall be the same as provided
3 in 32 V.S.A. chapter 131 ~~of Title 32~~. The ~~commissioner of finance and~~
4 ~~management~~ Commissioner of Finance and Management is authorized to issue
5 his or her warrants for sewage disposal charges against ~~state~~ State property and
6 transmit to the ~~state treasurer~~ State Treasurer who shall draw a voucher in
7 payment thereof. No charge so established and no tax levied under the
8 provisions of section 3613 of this title shall be considered to be a part of any
9 tax authorized to be assessed by the legislative body of any municipality for
10 general purposes, but shall be in addition to any such tax so authorized to be
11 assessed. Sewage disposal charges established in accord with this section may
12 be assessed by the board of sewage disposal commissioners as provided in
13 section 3614 of this title to derive the revenue required to pay pollution charges
14 assessed against a municipal corporation under ~~section~~ 10 V.S.A. § 1265 of
15 Title 10.

16 (c) When a sewage disposal charge established under this section for the
17 management of stormwater is applied to property owned, controlled, or
18 managed by the Agency of Transportation, the charge shall not exceed the
19 highest rate category applicable to other properties in the municipality, and the
20 Agency of Transportation shall receive a 35 percent credit on the charge. The

1 Agency of Transportation shall receive no other credit on the charge from the
2 municipal corporation.

3 Sec. 25. 24 V.S.A. § 3507 is amended to read:

4 § 3507. DUTIES

5 (a) Such sewage system commissioners shall have the supervision of such
6 municipal sewage system and shall make and establish all needed rates for
7 rent, with rules and regulations for its control and operation. Such
8 commissioners may appoint or remove a superintendent at their pleasure. The
9 rents and receipts for the use of such sewage system shall be used and applied
10 to pay the interest and principal of the sewage system bonds of such municipal
11 corporation, the expense of maintenance and operation of the sewage system,
12 as well as dedicated fund payments provided for in section 3616 of this title.

13 (b) When a rate established under this section for the management of
14 stormwater is applied to property owned, controlled, or managed by the
15 Agency of Transportation, the rate shall not exceed the highest rate category
16 applicable to other properties in the municipality, and the Agency of
17 Transportation shall receive a 35 percent credit on the rate. The Agency of
18 Transportation shall receive no other credit on the rate from the municipal
19 corporation.

(2) In developing its recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Clean Water Fund Board shall, during the first three years of its existence and within the priorities established under subdivision (1) of this subsection (e), prioritize awards or assistance to municipalities for municipal compliance with water quality requirements, and to municipalities for the establishment and operation of stormwater utilities.

Sec. 29. STORMWATER UTILITY REPORT

1 (3) the amount of fees paid by the Agency to stormwater utilities in the
2 calendar year preceding a report submitted under this section; and

3 (4) a list of the stormwater projects or programs implemented by the
4 Agency in municipalities with stormwater utilities in the calendar year
5 preceding a report submitted under this section.

6 * * * Statewide Property Parcel Mapping Program * * *

7 Sec. 30. DEVELOPMENT OF STATEWIDE PROPERTY PARCEL
8 DATA LAYER

9 (a) The General Assembly finds that the State has an interest in creating a
10 statewide property parcel data layer. The data layer will include all property
11 parcels in each Vermont town, city, incorporated village, gore, and grant in a
12 standard format and integrate all municipal property parcel maps into one
13 property parcel map for the State.

14 (b) The General Assembly further finds that a statewide property parcel
15 data layer will be useful to the Agency for the following applications:

16 (1) mapping highway centerlines that end at property boundaries;

17 (2) enabling the Agency to evaluate properties for alternative energy and
18 other possible uses;

19 (3) providing right-of-way data to analyze Transportation Separate
20 Storm Sewer System (TS4) assessments;

1 (4) streamlining title searches during the project development phase of
2 transportation projects;

3 (5) providing linkages between grand list and property parcel data in
4 order to enable the identification of all public land;

5 (6) locating encroachments on highways and providing notice to
6 adjoining landowners;

7 (7) mapping the locations of surplus and excess property;

8 (8) assisting in the appraisal of land and acquisition of rights for
9 transportation projects;

10 (9) improving emergency response capabilities;

11 (10) identifying encroachments on State-owned railroads and providing
12 notice to adjoining landowners;

13 (11) evaluating applications for highway access under 19 V.S.A. § 1111,
14 including utility installations and driveways; and

15 (12) improving the State's ability to identify its assets by accurately
16 cataloguing the location and extent of State-owned rights-of-way.

17 (c)(1) Consistent with Secs. 31–32 of this act, starting in fiscal year 2017,
18 the Agency shall commence development of the statewide digital parcel data
19 layer as part of the Statewide Property Parcel Mapping Program.

20 (2) According to the Agency:

21 (A) development of the data layer is expected to take three years;

1 (3) make property parcel data available to State agencies and
2 departments, regional planning commissions, municipalities, and the public.

3 (b) Property Parcel Data Advisory Board. A Property Parcel Data
4 Advisory Board (Board) is created for the purpose of monitoring the Statewide
5 Property Parcel Mapping Program and making recommendations to the
6 Agency of how the Program can be improved to enhance the usefulness of
7 statewide property parcel data for State agencies and departments, regional
8 planning commissions, municipalities, and the public. The Board shall
9 comprise:

10 (1) the Secretary of Transportation or designee, who shall serve as chair;

11 (2) the Secretary of Natural Resources or designee;

12 (3) the Secretary of Commerce and Community Development
13 or designee;

14 (4) the Commissioner of Taxes or designee;

15 (5) a representative of the Vermont Association of Planning and
16 Development Agencies;

17 (6) a representative of the Vermont League of Cities and Towns; and

18 (7) a land surveyor licensed under 26 V.S.A. chapter 45 designated by
19 the Vermont Society of Land Surveyors.

20 (c) Meetings of Board. The Board shall meet at the call of the Chair or at
21 the request of a majority of its members. The Agency shall provide

1 administrative assistance to the Board and such other assistance as the Board
2 may require to carry out its duties.

3 (d) Standards. The Agency shall update the statewide property parcel data
4 layer in accordance with the standards of the Vermont Geographic Information
5 System (VGIS), as specified in 10 V.S.A. § 123 (powers and duties of
6 Vermont Center for Geographic Information).

7 (e) Funding sources. Federal transportation funds shall be used for the
8 development and operation of the Program. In fiscal year 2018 and in
9 succeeding fiscal years, the Agency shall make every effort to ensure that all
10 State matching funds are provided by other State agencies or external partners
11 or both that benefit from the Program.

12 * * * Quechee Gorge Bridge Safety Issues * * *

13 Sec. 33. QUECHEE GORGE BRIDGE SAFETY ISSUES

14 (a) On or before September 1, 2016, or as soon as practicable thereafter if a
15 longer period is required to obtain necessary permits or satisfy federal
16 requirements, the Agency shall complete a project on or proximate to
17 Bridge 61 on US Route 4 in the town of Hartford (Quechee Gorge Bridge) to
18 install a structure providing information and resources, signs, or
19 communication devices, or some combination of these, aimed at preventing
20 suicides at the Quechee Gorge Bridge.

1 (b) In consultation with the Agency of Commerce and Community
2 Development, the Department of Health, the Department of Mental Health, the
3 Department of Public Safety, local officials, local emergency personnel, the
4 Hartford Area Chamber of Commerce, mental health practitioners, local
5 business owners, and other interested stakeholders, the Agency of
6 Transportation shall thoroughly review suicide prevention as well as
7 pedestrian, first responder, and other safety measures that could be taken, and
8 the merits of taking such measures, at the Quechee Gorge Bridge. In
9 conducting this review, the Agency shall identify:

10 (1) short- and long-term suicide prevention as well as pedestrian, first
11 responder, and other safety measures for all users that could be taken at the
12 Quechee Gorge Bridge in addition to the measures taken pursuant to
13 subsection (a) of this section, including:

14 (A) providing information and resources, including emergency
15 contact information and means of emergency communication; and

16 (B) physical improvements to the bridge structure and the
17 surrounding area;

18 (2) estimated costs and benefits and an expected timeline associated
19 with implementing the measures identified in subdivision (1) of this
20 subsection; and

1 (3) economic, community, and tourism concerns associated with
2 implementing the measures identified in subdivision (1) of this subsection.

3 (c) On or before January 10, 2017, the Agency shall report the results of the
4 review required under subsection (b) of this section to the House and Senate
5 Committees on Transportation.

6 * * * Ignition Interlock Devices * * *

7 Sec. 34. 23 V.S.A. § 1200 is amended to read:

8 § 1200. DEFINITIONS

9 As used in this subchapter:

10 * * *

11 (9)(A) “Ignition interlock restricted driver’s license” or “ignition
12 interlock RDL” or “RDL” means a restricted license or privilege to operate a
13 motor vehicle issued by the Commissioner allowing a ~~person~~ resident whose
14 license or privilege to operate has been suspended or revoked for operating
15 under the influence of intoxicating liquor or in excess of legal limits of alcohol
16 concentration, or for refusing an enforcement officer’s reasonable request for
17 an evidentiary test, to operate a motor vehicle, other than a commercial motor
18 vehicle as defined in section 4103 of this title, installed with an approved
19 ignition interlock device.

20 (B) “Ignition interlock certificate” means a restricted privilege to
21 operate a motor vehicle issued by the Commissioner allowing a nonresident

1 whose privilege to operate a motor vehicle in Vermont has been suspended or
2 revoked for operating under the influence of intoxicating liquor or in excess of
3 legal limits of alcohol concentration, or for refusing an enforcement officer's
4 reasonable request for an evidentiary test, to operate a motor vehicle, other
5 than a commercial motor vehicle as defined in section 4103 of this title,
6 installed with an approved ignition interlock device.

7 * * *

8 Sec. 35. 23 V.S.A. § 1209a is amended to read:

9 § 1209a. CONDITIONS OF REINSTATEMENT; ALCOHOL AND
10 DRIVING EDUCATION; SCREENING; THERAPY PROGRAMS

11 (a) Conditions of reinstatement. No license or privilege to operate
12 suspended or revoked under this subchapter, except a license or privilege to
13 operate suspended under section 1216 of this title, shall be reinstated except as
14 follows:

15 (1) In the case of a first suspension, a license or privilege to operate
16 shall be reinstated only:

17 (A) after the person has successfully completed an Alcohol and
18 Driving Education Program, at the person's own expense, followed by an
19 assessment of the need for further treatment by a State-designated counselor, at
20 the person's own expense, to determine whether reinstatement should be

1 further conditioned on satisfactory completion of a therapy program agreed to
2 by the person and the Drinking Driver Rehabilitation Program Director;

3 (B) if the screening indicates that therapy is needed, after the person
4 has satisfactorily completed or shown substantial progress in completing a
5 therapy program at the person's own expense agreed to by the person and the
6 Driver Rehabilitation Program Director;

7 (C) if the person elects to operate under an ignition interlock RDL or
8 ignition interlock certificate, after:

9 (i) ~~a period of nine months (plus any extension of this period~~
10 ~~arising from a violation of section 1213 of this title) if the person's license or~~
11 ~~privilege to operate is suspended after a refusal to consent to a law~~
12 ~~enforcement officer's reasonable request for an evidentiary test; or~~

13 (ii) ~~a period of six months (the person operates under the RDL or~~
14 ~~certificate for the applicable period set forth in subsection 1205(a) or section~~
15 ~~1206 of this title, plus any extension of this period arising from a violation of~~
16 ~~section 1213 of this title) in all other cases; and~~

17 (D) if the person has no pending criminal charges, civil citations, or
18 unpaid fines or penalties for a violation under this chapter.

19 (2) In the case of a second suspension, a license or privilege to operate
20 shall not be reinstated until:

1 (A) the person has successfully completed an alcohol and driving
2 rehabilitation program;

3 (B) the person has completed or shown substantial progress in
4 completing a therapy program at the person's own expense agreed to by the
5 person and the Driver Rehabilitation Program Director;

6 (C) ~~if the person elects to operate~~ after the person operates under an
7 ignition interlock RDL, ~~after:~~

8 ~~(i) a period of two years (plus any extension of this period arising~~
9 ~~from a violation of section 1213 of this title) if the person's license or privilege~~
10 ~~to operate is suspended after a refusal to consent to a law enforcement officer's~~
11 ~~reasonable request for an evidentiary test; or~~

12 ~~(ii) a period of 18 months (~~ or ignition interlock certificate for 18
13 months or, in the case of a person subject to the one year hard suspension
14 prescribed in subdivision 1213(a)(1)(C) of this title, for one year, plus any
15 extension of this the relevant period arising from a violation of section 1213 of
16 this title) in all other cases, except if otherwise provided in subdivision (a)(4)
17 of this section; and

18 (D) the person has no pending criminal charges, civil citations, or
19 unpaid fines or penalties for a violation under this chapter.

20 (3) In the case of a third or subsequent suspension or a revocation, a
21 license or privilege to operate shall not be reinstated until:

1 (A) the person has successfully completed an alcohol and driving
2 rehabilitation program;

3 (B) the person has completed or shown substantial progress in
4 completing a therapy program at the person's own expense agreed to by the
5 person and the Driver Rehabilitation Program Director;

6 (C) the person has satisfied the requirements of subsection (b) of this
7 section; and

8 (D) ~~if the person elects to operate under an ignition interlock RDL,~~
9 ~~after:~~

10 ~~(i) a period of four years (plus any extension of this period arising~~
11 ~~from a violation of section 1213 of this title) if the person's license or privilege~~
12 ~~to operate is suspended after a refusal to consent to a law enforcement officer's~~
13 ~~reasonable request for an evidentiary test; or~~

14 ~~(ii) a period of three years (plus any extension of this period arising~~
15 ~~from a violation of section 1213 of this title) in all other cases; and~~

16 ~~(E)~~ the person has no pending criminal charges, civil citations, or
17 unpaid fines or penalties for a violation under this chapter.

18 (4) The Commissioner shall waive a requirement under subdivision (2)
19 of this subsection or subsection (b) of this section that a person operate under
20 an ignition interlock RDL or certificate prior to eligibility for reinstatement if:

1 (A) the person furnishes sufficient proof as prescribed by the
2 Commissioner that he or she is incapable of using an ignition interlock device
3 because of a medical condition that will persist permanently or at least for the
4 term of the suspension or, in the case of suspensions or revocations for life, for
5 a period of at least three years; or

6 (B) the underlying offenses arose solely from being under the
7 influence of a drug other than alcohol.

8 (b) Abstinence.

9 (1) Notwithstanding any other provision of this subchapter, a person
10 whose license or privilege to operate has been suspended or revoked for life
11 under this subchapter may apply to the Driver Rehabilitation School Director
12 and to the Commissioner for reinstatement of his or her driving privilege. The
13 person shall have completed three years of total abstinence from consumption
14 of alcohol or drugs, or both. The beginning date for the period of abstinence
15 shall be no sooner than the effective date of the suspension or revocation from
16 which the person is requesting reinstatement and shall not include any period
17 during which the person is serving a sentence of incarceration to include
18 furlough. The application shall include the applicant's authorization for a
19 urinalysis examination to be conducted prior to reinstatement under this
20 subdivision. The application to the Commissioner shall be accompanied by a
21 fee of \$500.00. The Commissioner shall have the discretion to waive the

1 application fee if the Commissioner determines that payment of the fee would
2 present a hardship to the applicant.

3 (2) If the Commissioner, or a medical review board convened by the
4 Commissioner, is satisfied by a preponderance of the evidence that the
5 applicant has abstained for the required number of years immediately
6 preceding the application and hearing, has successfully completed a therapy
7 program as required under this section, has operated under a valid ignition
8 interlock RDL or under an ignition interlock certificate for at least three years
9 following the suspension or revocation, and the person appreciates that he or
10 she cannot drink any amount of alcohol and drive safely, the person's license
11 or privilege to operate shall be reinstated immediately, subject to the condition
12 that the person's suspension or revocation will be put back in effect in the
13 event any further investigation reveals a return to the consumption of alcohol
14 or drugs and to such additional conditions as the Commissioner may impose
15 ~~and, if the person has not previously operated for three years under an ignition~~
16 ~~interlock RDL, subject to the additional condition that the person shall operate~~
17 ~~under an ignition interlock restricted driver's license for a period of at least one~~
18 ~~year following reinstatement under this subsection. However, the~~
19 ~~Commissioner may waive this one year requirement to operate under an~~
20 ~~ignition interlock restricted driver's license if the person furnishes proof as~~
21 ~~prescribed by the Commissioner that he or she is incapable of using an ignition~~

1 ~~interlock device because of a medical condition that will persist permanently or~~
2 ~~at least for one year.~~ The requirement to operate under an ignition interlock
3 RDL or ignition interlock certificate shall not apply if the person is exempt
4 under subdivision (a)(4) of this section.

5 (3) If after notice and hearing the Commissioner later finds that the
6 person was violating the conditions of the person's reinstatement under this
7 subsection, the person's operating license or privilege to operate shall be
8 immediately suspended or revoked ~~for the period of the original suspension~~
9 life.

10 (4) If the Commissioner finds that a person reinstated under this
11 subsection was suspended pursuant to section 1205 of this title, or was
12 convicted of a violation of section 1201 of this title, the person shall be
13 conclusively presumed to be in violation of the conditions of his or her
14 reinstatement.

15 (5) A person shall be eligible for reinstatement under this subsection
16 only once following a suspension or revocation for life.

17 (6)(A) If an applicant for reinstatement under this subsection resides in a
18 jurisdiction other than Vermont, the Commissioner may elect not to conduct an
19 investigation. If the Commissioner elects not to conduct an investigation, he or
20 she shall provide a letter to the applicant's jurisdiction of residence stating that
21 Vermont does not object to the jurisdiction issuing the applicant a license if the

1 applicant is ~~authorized~~ required to operate only vehicles equipped with an
2 ignition interlock device for at least a three-year period, unless exempt under
3 subdivision (a)(4) of this section, and is required to complete any alcohol
4 rehabilitation or treatment requirements of the licensing jurisdiction.

5 (B) If the applicant's jurisdiction of residence is prepared to issue or
6 has issued a license in accordance with subdivision (A) of this subdivision (6)
7 and the applicant satisfies the requirements of section 675 of this title, the
8 Commissioner shall update relevant State and federal databases to reflect that
9 the applicant's lifetime suspension or revocation in Vermont under chapter 13,
10 subchapter 13 of this title has terminated.

11 * * *

12 Sec. 36. 23 V.S.A. § 1213 is amended to read:

13 § 1213. IGNITION INTERLOCK RESTRICTED DRIVER'S LICENSE OR
14 CERTIFICATE; PENALTIES

15 (a)(1) ~~First offense.~~ A person whose license or privilege to operate is
16 suspended ~~for a first offense~~ or revoked under this subchapter ~~shall be~~
17 ~~permitted to~~ may operate a motor vehicle, other than a commercial motor
18 vehicle as defined in section 4103 of this title, if issued a valid ignition
19 interlock RDL or ignition interlock certificate. ~~The~~ Upon application, the
20 Commissioner shall issue an ignition interlock RDL ~~to a person eligible under~~
21 ~~section 1205(a)(1), 1205(a)(2), 1206(a), or 1216(a)(1) of this title upon receipt~~

1 ~~of~~ or ignition interlock certificate to a person otherwise licensed or eligible to
2 be licensed to operate a motor vehicle if:

3 (A) the person submits a \$125.00 application fee, and upon
4 receipt of;

5 (B) the person submits satisfactory proof of installation of an
6 approved ignition interlock device in any motor vehicle to be operated; and of
7 financial responsibility as provided in section 801 of this title; ~~and enrollment~~
8 ~~in an Alcohol and Driving Education Program. The RDL shall be valid after~~
9 ~~expiration of the applicable shortened period specified in section 1205(a)(1);~~
10 ~~1205(a)(2), 1206(a), or 1216(a)(1) of this title;~~

11 (C) at least one year has passed since the suspension or revocation
12 was imposed if the offense involved death or serious bodily injury to a person
13 other than the operator; and

14 (D) the applicable period set forth below has passed since the
15 suspension or revocation was imposed if the offense involved refusal of an
16 enforcement officer's reasonable request for an evidentiary test:

17 (i) 30 days for a first offense;

18 (ii) 90 days for a second offense;

19 (iii) one year for a third or subsequent offense.

20 (2) A new ignition interlock RDL or ignition interlock certificate shall
21 expire at midnight on the eve of the second birthday of the applicant following

1 the date of issue, and may be renewed for one-year terms. The Commissioner
2 shall send by first class mail an application for renewal of the RDL or
3 certificate at least 30 days prior to the day renewal is required and shall impose
4 the same conditions for renewal as are required for initial issuance ~~of an~~
5 ~~ignition interlock RDL~~. The renewal fee shall be \$125.00.

6 (b) ~~Second offense. A person whose license or privilege to operate is~~
7 ~~suspended for a second offense under this subchapter shall be permitted to~~
8 ~~operate a motor vehicle, other than a commercial motor vehicle as defined in~~
9 ~~section 4103 of this title, if issued a valid ignition interlock RDL. The~~
10 ~~Commissioner shall issue an ignition interlock RDL to a person eligible under~~
11 ~~section 1205(m), 1208(a), or 1216(a)(2) of this title upon receipt of a \$125.00~~
12 ~~application fee, and upon receipt of satisfactory proof of installation of an~~
13 ~~approved ignition interlock device in any motor vehicle to be operated,~~
14 ~~financial responsibility as provided in section 801 of this title, and enrollment~~
15 ~~in an Alcohol and Driving Rehabilitation Program. The RDL shall be valid~~
16 ~~after expiration of the applicable shortened period specified in section~~
17 ~~1205(m), 1208(a), or 1216(a)(2) of this title. A new ignition interlock RDL~~
18 ~~shall expire at midnight on the eve of the second birthday of the applicant~~
19 ~~following the date of issue, and may be renewed for one-year terms. The~~
20 ~~Commissioner shall send by first class mail an application for renewal of the~~
21 ~~RDL at least 30 days prior to the day renewal is required and shall impose the~~

1 same conditions for renewal as are required for initial issuance of an ignition
2 interlock RDL. The renewal fee shall be \$125.00. [Repealed.]

3 (c) ~~Third or subsequent offense. A person whose license or privilege to~~
4 ~~operate is suspended or revoked for a third or subsequent offense under this~~
5 ~~subchapter shall be permitted to operate a motor vehicle, other than a~~
6 ~~commercial motor vehicle as defined in section 4103 of this title, if issued a~~
7 ~~valid ignition interlock RDL. The Commissioner shall issue an ignition~~
8 ~~interlock RDL to a person eligible under section 1205(a)(3), 1205(m), 1208(b),~~
9 ~~or 1216(a)(2) of this title upon receipt of a \$125.00 application fee, and upon~~
10 ~~receipt of satisfactory proof of installation of an approved ignition interlock~~
11 ~~device in any motor vehicle to be operated, financial responsibility as provided~~
12 ~~in section 801 of this title, and enrollment in an Alcohol and Driving~~
13 ~~Rehabilitation Program. The RDL shall be valid after expiration of the~~
14 ~~applicable shortened period specified in section 1205(a)(3), 1205(m), 1208(b),~~
15 ~~or 1216(a)(2) of this title. A new ignition interlock RDL shall expire at~~
16 ~~midnight on the eve of the second birthday of the applicant following the date~~
17 ~~of issue, and may be renewed for one-year terms. The Commissioner shall~~
18 ~~send by first class mail an application for renewal of the RDL at least 30 days~~
19 ~~prior to the day renewal is required and shall impose the same conditions for~~
20 ~~renewal as are required for initial issuance of an ignition interlock RDL. The~~
21 ~~renewal fee shall be \$125.00. [Repealed.]~~

1 (d) If a fine is to be imposed for a conviction of a violation of section 1201
2 of this title, upon receipt of proof of installation of an approved ignition
3 interlock device, the Court may order that the fine of an indigent person
4 conditionally be reduced by one-half to defray the costs of the ignition
5 interlock device, subject to the person's ongoing operation under, and
6 compliance with the terms of, a valid ignition interlock RDL or ignition
7 interlock certificate as set forth in this section. In considering whether a
8 person's fine should be reduced under this subsection, the Court shall take into
9 account any discount already provided by the device manufacturer or provider.

10 (e) ~~The~~ Except as provided in subsection (m) of this section, the holder of
11 an ignition interlock RDL or ignition interlock certificate shall pay the costs of
12 installing, purchasing or leasing, and removing the ignition interlock device as
13 well as calibrating the device and retrieving data from it periodically as may be
14 specified by the Commissioner.

15 (f)(1) Prior to the issuance of an ignition interlock RDL or ignition
16 interlock certificate under this section, the Commissioner shall notify the
17 applicant ~~of the applicable~~ that the period prior to eligibility for reinstatement
18 ~~under section 1209a or 1216 of this title, and that the reinstatement period~~ may
19 be extended under this subsection (f) or subsections (g)–(h) of this section.

20 (2)(A) Prior to any such extension of the reinstatement period, the
21 ignition interlock RDL or certificate holder shall be given notice and

1 opportunity for a hearing. Service of the notice shall be sent by first class mail
2 to the last known address of the person. The notice shall include a factual
3 description of the grounds for an extension, a reference to the particular law
4 allegedly violated, and a warning that the right to a hearing will be deemed
5 waived, and an extension of the reinstatement period will be imposed, if a
6 written request for a hearing is not received at the Department of Motor
7 Vehicles within 15 days after the date of the notice.

8 * * *

9 (3)(A) A holder of an ignition interlock RDL or certificate who, prior to
10 eligibility for reinstatement under section 1209a or 1216 of this title, is
11 prevented from starting a motor vehicle because the ignition interlock device
12 records a blood alcohol concentration of 0.04 or above, shall be subject to a
13 three-month extension of the applicable reinstatement period in the event of
14 three such recorded events, and to consecutive three-month extensions for
15 every additional three recorded events thereafter. The Commissioner shall
16 disregard a recording of 0.04 or above for the purposes of this subdivision if
17 the Commissioner in his or her discretion finds, based on a pattern of tests or
18 other reliable information, that the recording does not indicate the consumption
19 of intoxicating liquor by the holder. The Commissioner shall notify the holder
20 in writing after every recording of 0.04 or above that indicates the consumption
21 of intoxicating liquor by the holder and, prior to any extension under this

1 subdivision, the holder shall have the opportunity to be heard pursuant to
2 subdivision (2) of this subsection (f).

3 (B) A holder of an ignition interlock RDL or certificate who, prior to
4 eligibility for reinstatement under section 1209a or 1216 of this title, fails a
5 random retest because the ignition interlock device records a blood alcohol
6 concentration of 0.04 or above and below 0.08, shall be subject to consecutive
7 three-month extensions of the applicable reinstatement period for every such
8 recorded event. A holder who fails a random retest because of a recording of
9 0.08 or above shall be subject to consecutive six-month extensions of the
10 applicable reinstatement period for every such recorded event. The
11 Commissioner shall disregard a recording of 0.04 or above for the purposes of
12 this subdivision if the Commissioner in his or her discretion finds, based on a
13 pattern of tests or other reliable information, that the recording does not
14 indicate the consumption of intoxicating liquor by the holder. The
15 Commissioner shall notify the holder in writing after every recording of 0.04
16 or above that is indicative of the consumption of intoxicating liquor by the
17 holder and, prior to any extension under this subdivision, the holder shall have
18 the opportunity to be heard pursuant to subdivision (2) of this subsection (f).

19 (g) The holder of an ignition interlock RDL or certificate shall operate only
20 motor vehicles equipped with an ignition interlock device, shall not attempt or
21 take any action to tamper with or otherwise circumvent an ignition interlock

1 device, and, after failing a random retest, shall pull over and shut off the
2 vehicle's engine as soon as practicable. A person who violates any provision
3 of this section commits a criminal offense, shall be subject to the sanctions and
4 procedures provided for in subsections 674(b)–(i) of this title, and, upon
5 conviction, the applicable period prior to eligibility for reinstatement under
6 section 1209a or 1216 of this title shall be extended by six months.

7 (h) A person who violates a rule adopted by the Commissioner pursuant to
8 subsection (l) of this section shall, after notice and an opportunity to be heard
9 is provided pursuant to subdivision (f)(2) of this section, be subject to an
10 extension of the period prior to eligibility for reinstatement under section
11 1209a or 1216 of this title in accordance with rules adopted by the
12 Commissioner.

13 (i) Upon receipt of notice that the holder of an ignition interlock RDL or
14 certificate has been ~~adjudicated~~ convicted of an offense under this title that
15 would result in suspension, revocation, or recall of a license or privilege to
16 operate, the Commissioner shall suspend, revoke, or recall the person's
17 ignition interlock RDL or certificate for the same period that the license or
18 privilege to operate would have been suspended, revoked, or recalled. The
19 Commissioner may impose a reinstatement fee in accordance with section 675
20 of this title and require, prior to reinstatement, satisfactory proof of installation
21 of an approved ignition interlock device, and of financial responsibility as

1 provided in section 801 of this title, ~~and enrollment in or completion of an~~
2 ~~alcohol and driving education or rehabilitation program.~~

3 * * *

4 (1)(1) The Commissioner, in consultation with any individuals or entities
5 the Commissioner deems appropriate, shall adopt rules and may enter into
6 agreements to implement the provisions of this section. The Commissioner
7 shall not approve a manufacturer of ignition interlock devices as a provider in
8 this State unless the manufacturer agrees to reduce the cost of installing,
9 leasing, and deinstalling the device by at least 50 percent for persons who
10 furnish proof of receipt of 3SquaresVT, LIHEAP, or Reach Up benefits or like
11 benefits in another state.

12 (2) The rules shall establish uniform performance standards for ignition
13 interlock devices including required levels of accuracy in measuring blood
14 alcohol concentration, efficacy in distinguishing valid breath samples, the
15 occurrence of random retests while the vehicle is running, and automatic
16 signaling by the vehicle if the operator fails such a retest. The Commissioner
17 shall certify devices that meet these standards, specify any periodic calibration
18 that may be required to ensure accuracy of the devices, and specify the means
19 and frequency of the retrieval and sharing of data collected by ignition
20 interlock devices. Persons who elect to obtain an ignition interlock RDL or
21 certificate following a conviction under this subchapter when the person's

1 blood alcohol concentration is proven to be 0.16 or more shall be required to
2 install an ignition interlock device with a Global Positioning System feature.
3 The rules also shall establish a schedule of extensions of the period prior to
4 eligibility for reinstatement as authorized under subsection (h) of this section.

5 (m)(1) There is created an Ignition Interlock Device Special Fund which
6 shall be a special fund established and managed pursuant to 32 V.S.A.
7 chapter 7, subchapter 5.

8 (2) The Ignition Interlock Device Special Fund shall consist of funds
9 appropriated by the General Assembly and of monies transferred to the Fund
10 or from gifts, grants, and donations. Interest earned on monies in the Fund
11 shall be retained in the Fund for use in accordance with the purposes of the
12 Fund.

13 (3) Upon application by an eligible person, available monies in the
14 Ignition Interlock Device Special Fund shall be used by the Department of
15 Motor Vehicles to pay the balance of costs of installing, leasing, and
16 deinstalling an ignition interlock device after a manufacturer's discount has
17 been applied, on behalf of a person who:

18 (A) is qualified to obtain an ignition interlock RDL under this
19 section;

1 (B) is required to operate under an ignition interlock RDL as a
2 condition of reinstatement of his or her regular operator's license or privilege
3 to operate a motor vehicle in Vermont; and

4 (C) furnishes proof to the Commissioner of Motor Vehicles of receipt
5 of 3SquaresVT, LIHEAP, or Reach Up benefits from the State of Vermont.

6 Sec. 36a. FY16 MAINTENANCE PROGRAM SPENDING AUTHORITY;
7 TRANSFER TO SPECIAL FUND; FY17 DMV SPENDING
8 AUTHORITY

9 (a) Spending authority in the Maintenance Program within the fiscal year
10 2016 Transportation Program hereby is reduced by \$25,000.00 in
11 transportation funds.

12 (b) The sum of \$25,000.00 hereby is transferred from the Transportation
13 Fund to the Ignition Interlock Device Special Fund for use in fiscal year 2017
14 for the purpose specified in 23 V.S.A. § 1213(m).

15 (c) Spending authority for the Department of Motor Vehicles within the
16 fiscal year 2017 Transportation Program hereby is increased by \$25,000.00 in
17 transportation funds for use in fiscal year 2017 for the purpose specified in 23
18 V.S.A. § 1213(m).

1 Sec. 37. 23 V.S.A. § 1205 is amended to read:

2 § 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

3 (a) Refusal; alcohol concentration above legal limits; suspension periods.

4 (1) Upon affidavit of a law enforcement officer that the officer had
5 reasonable grounds to believe that the person was operating, attempting to
6 operate, or in actual physical control of a vehicle in violation of section 1201
7 of this title and that the person refused to submit to a test, the Commissioner
8 shall suspend the person's operating license, or nonresident operating
9 privilege, or the privilege of an unlicensed operator to operate a vehicle for a
10 period of six months and until the person complies with section 1209a of this
11 title. However, a during the suspension, an eligible person may operate under
12 the terms of an ignition interlock RDL or ignition interlock certificate issued
13 pursuant to section 1213 of this title ~~after 30 days of this six-month period~~
14 ~~unless the alleged offense involved a collision resulting in serious bodily injury~~
15 ~~or death to another.~~

16 (2) Upon affidavit of a law enforcement officer that the officer had
17 reasonable grounds to believe that the person was operating, attempting to
18 operate, or in actual physical control of a vehicle in violation of section 1201
19 of this title and that the person submitted to a test and the test results indicated
20 that the person's alcohol concentration was above a limit specified in
21 subsection 1201(a) of this title, at the time of operating, attempting to operate,

1 or being in actual physical control, the Commissioner shall suspend the
2 person's operating license; or nonresident operating privilege; or the privilege
3 of an unlicensed operator to operate a vehicle for a period of 90 days and until
4 the person complies with section 1209a of this title. However, a during the
5 suspension, an eligible person may operate under the terms of an ignition
6 interlock RDL or ignition interlock certificate issued pursuant to section 1213
7 of this title ~~after 30 days of this 90-day period unless the alleged offense~~
8 ~~involved a collision resulting in serious bodily injury or death to another.~~

9 (3) Upon affidavit of a law enforcement officer that the officer had
10 reasonable grounds to believe that the person was operating, attempting to
11 operate, or in actual physical control of a vehicle in violation of subdivision
12 1201(d)(2) of this title and that the person submitted to a test and the test
13 results indicated that the person's alcohol concentration was 0.02 or more at
14 the time of operating, attempting to operate, or being in actual physical control,
15 the Commissioner shall suspend the person's operating license; or nonresident
16 operating privilege; or the privilege of an unlicensed operator to operate a
17 vehicle for life. However, a during the suspension, an eligible person may
18 ~~operate under the terms of an ignition interlock RDL issued pursuant to section~~
19 ~~1213 of this title after one year of this lifetime suspension unless the alleged~~
20 ~~offense involved a collision resulting in serious bodily injury or death to~~

1 ~~another~~ operate under the terms of an ignition interlock RDL or ignition
2 interlock certificate issued under section 1213 of this title.

3 * * *

4 (d) Form of notice. The notice of intention to suspend and of suspension
5 shall be in a form prescribed by the Supreme Court. The notice shall include
6 an explanation of rights, a form to be used to request a hearing, and, if a
7 hearing is requested, the date, time, and location of the Criminal Division of
8 the Superior Court where the person must appear for a preliminary hearing.
9 The notice shall also contain, in boldface print, the following:

10 (1) You have the right to ask for a hearing to contest the suspension of
11 your operator's license.

12 (2) This notice shall serve as a temporary operator's license and is valid
13 until 12:01 a.m. of the date of suspension. If this is your first violation of
14 section 1201 of this title and if you do not request a hearing, your license will
15 be suspended as provided in this notice. If this is your second or subsequent
16 violation of section 1201 of this title, your license will be suspended on the
17 11th day after you receive this notice. It is a crime to drive while your license
18 is suspended unless you have been issued an ignition interlock restricted
19 driver's license or ignition interlock certificate.

20 * * *

1 (m) Second and subsequent suspensions. For a second suspension under
2 this subchapter, the period of suspension shall be 18 months and until the
3 person complies with section 1209a of this title. However, a during the
4 suspension, an eligible person may operate under the terms of an ignition
5 interlock RDL or ignition interlock certificate issued pursuant to section 1213
6 of this title ~~after 90 days of this 18 month period unless the alleged offense~~
7 ~~involved a collision resulting in serious bodily injury or death to another.~~ For
8 a third or subsequent suspension under this subchapter, the period of
9 suspension shall be life. However, ~~a person may operate under the terms of an~~
10 ~~ignition interlock RDL issued pursuant to section 1213 of this title after one~~
11 ~~year of~~ during this lifetime suspension ~~unless the alleged offense involved a~~
12 ~~collision resulting in serious bodily injury or death to another, an eligible~~
13 person may operate under the terms of an ignition interlock RDL or ignition
14 interlock certificate issued under section 1213 of this title.

15 * * *

16 Sec. 38. 23 V.S.A. § 1206 is amended to read:

17 § 1206. SUSPENSION OF LICENSE FOR DRIVING WHILE UNDER
18 INFLUENCE; FIRST CONVICTIONS

19 (a) First conviction—generally. Except as otherwise provided, upon
20 conviction of a person for violating a provision of section 1201 of this title, or
21 upon final determination of an appeal, the Court shall forward the conviction

1 report forthwith to the Commissioner of Motor Vehicles. The Commissioner
2 shall immediately suspend the person's operating license; or nonresident
3 operating privilege; or the privilege of an unlicensed operator to operate a
4 vehicle for a period of 90 days and until the defendant complies with section
5 1209a of this title. ~~However, a person may operate under the terms of an~~
6 ~~ignition interlock RDL issued pursuant to section 1213 of this title after 30~~
7 ~~days of this 90-day period unless the offense involved a collision resulting in~~
8 ~~serious bodily injury or death to another.~~

9 (b) Extended suspension–fatality or serious bodily injury. In cases
10 resulting in a fatality or serious bodily injury to a person other than the
11 defendant, the period of suspension shall be one year and until the defendant
12 complies with section 1209a of this title.

13 (c) ~~Extended suspension–refusal; serious bodily injury. Upon conviction of~~
14 ~~a person for violating a provision of subsection 1201(c) of this title involving a~~
15 ~~collision in which serious bodily injury resulted, or upon final determination of~~
16 ~~an appeal, the Court shall forward the conviction report forthwith to the~~
17 ~~Commissioner of Motor Vehicles. The Commissioner shall immediately~~
18 ~~suspend the person's operating license or nonresident operating privilege or the~~
19 ~~privilege of an unlicensed operator to operate a vehicle for a period of six~~
20 ~~months, and until the defendant complies with section 1209a of this title.~~
21 During a suspension under this section, an eligible person may operate a motor

1 vehicle under the terms of an ignition interlock RDL or ignition interlock
2 certificate issued under section 1213 of this title.

3 Sec. 39. 23 V.S.A. § 1208 is amended to read:

4 § 1208. SUSPENSIONS FOR SUBSEQUENT CONVICTIONS

5 (a) Second conviction. Upon a second conviction of a person violating a
6 provision of section 1201 of this title and upon final determination of an
7 appeal, the Court shall forward the conviction report forthwith to the
8 Commissioner of Motor Vehicles. The Commissioner shall immediately
9 suspend the person's operating license; or nonresident operating privilege or
10 the privilege of an unlicensed operator to operate a vehicle for 18 months and
11 until the defendant complies with section 1209a of this title. However, a
12 during the suspension, an eligible person may operate under the terms of an
13 ignition interlock RDL or ignition interlock certificate issued pursuant to
14 section 1213 of this title ~~after 90 days of this 18-month period unless the~~
15 ~~alleged offense involved a collision resulting in serious bodily injury or death~~
16 ~~to another.~~

17 (b) Third conviction. Upon a third or subsequent conviction of a person
18 violating a provision of section 1201 of this title and upon final determination
19 of any appeal, the Court shall forward the conviction report forthwith to the
20 Commissioner of Motor Vehicles. The Commissioner shall immediately
21 revoke the person's operating license; or nonresident operating privilege or the

1 privilege of an unlicensed operator to operate a motor vehicle for life.

2 However, ~~a person may operate under the terms of an ignition interlock RDL~~
3 ~~issued pursuant to section 1213 of this title after one year of during this~~
4 ~~lifetime suspension unless the alleged offense involved a collision resulting in~~
5 ~~serious bodily injury or death to another~~ revocation, an eligible person may
6 operate under the terms of an ignition interlock RDL or ignition interlock
7 certificate issued under section 1213 of this title.

8 Sec. 40. 23 V.S.A. § 1216 is amended to read:

9 § 1216. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL

10 CONCENTRATION OF 0.02 OR MORE

11 (a) A person under ~~the age of 21~~ years of age who operates, attempts to
12 operate, or is in actual physical control of a vehicle on a highway when the
13 person's alcohol concentration is 0.02 or more, commits a civil traffic violation
14 subject to the jurisdiction of the Judicial Bureau and subject to the following
15 sanctions:

16 (1) For a first violation, the person's license or privilege to operate shall
17 be suspended for six months and until the person complies with subdivision
18 1209a(a)(1) of this title. However, ~~a~~ during the suspension, an eligible person
19 may operate under the terms of an ignition interlock RDL or ignition interlock
20 certificate issued pursuant to section 1213 of this title ~~after 30 days of this six-~~
21 ~~month period unless the offense involved a collision resulting in serious bodily~~

1 ~~injury or death to another.~~ A person who elects to operate under an RDL or
2 certificate shall not be eligible for reinstatement unless he or she operates
3 under the RDL or certificate for six months plus any extension of this period
4 arising from a violation of section 1213 of this title.

5 (2) For a second or subsequent violation, the person's license or
6 privilege to operate shall be suspended until the person reaches ~~the age of~~
7 21 years of age or for one year, whichever is longer, and complies with
8 subdivision 1209a(a)(2)(A), (B), and (D) of this title. However, ~~a~~ during the
9 suspension, an eligible person may operate under the terms of an ignition
10 interlock RDL or ignition interlock certificate issued pursuant to section 1213
11 of this title ~~after 90 days of the applicable suspension period unless the offense~~
12 ~~involved a collision resulting in serious bodily injury or death to another.~~ A
13 person who elects to operate under an RDL or certificate shall not be eligible
14 for reinstatement unless he or she operates under the RDL or certificate for one
15 year or until the person reaches 21 years of age, whichever is longer, plus any
16 extension of this period arising from a violation of section 1213 of this title.

17 (b) ~~A person's license or privilege to operate that has been suspended under~~
18 ~~this section shall not be reinstated until:~~

19 ~~(1) the Commissioner has received satisfactory evidence that the person~~
20 ~~has complied with section 1209a of this title and the provider of the therapy~~
21 ~~program has been paid in full;~~

1 ~~(2) the person has no pending criminal charges, civil citations, or unpaid~~
2 ~~finest or penalties for a violation under this chapter; and~~

3 ~~(3)(A) for persons operating under an ignition interlock RDL for a first~~
4 ~~offense, after:~~

5 ~~(i) a period of one year (plus any extension of this period arising~~
6 ~~from a violation of section 1213 of this title) if the person's license or privilege~~
7 ~~to operate is suspended after a refusal to consent to a law enforcement officer's~~
8 ~~reasonable request for an evidentiary test; or~~

9 ~~(ii) a period of nine months (plus any extension of this period~~
10 ~~arising from a violation of section 1213 of this title) in all other cases; or~~

11 ~~(B) for persons operating under an ignition interlock RDL for a~~
12 ~~second or subsequent offense, after:~~

13 ~~(i) a period of two years (plus any extension of this period arising~~
14 ~~from a violation of section 1213 of this title) or until the person is 21,~~
15 ~~whichever is longer, if the person's license or privilege to operate is suspended~~
16 ~~after a refusal to consent to a law enforcement officer's reasonable request for~~
17 ~~an evidentiary test; or~~

18 ~~(ii) a period of 18 months (plus any extension of this period~~
19 ~~arising from a violation of section 1213 of this title) or until the person is 21,~~
20 ~~whichever is longer, in all other cases. [Repealed.]~~

21 * * *

* * * Signs for Census-designated Places Within Towns * * *

Sec. 41. Sec. 1. 10 V.S.A. § 494 is amended to read:

§ 494. EXEMPT SIGNS

The following signs are exempt from the requirements of this chapter except as indicated in section 495 of this title:

* * *

(4) Signs erected and maintained by or with the approval of a town outside the highway right-of-way, each of which does not exceed 64 square feet in area, excluding panel and frame, which may show the place and time of services or meetings of churches and civic organizations in the town, and which may include a panel which identifies the name of the town, the charter date, the date the town was founded, or any other significant date in the history of the town, and which the town wishes to identify. The panel may bear the wording “welcome to” the particular town. Not more than two such signs may be erected and maintained readable by traffic proceeding in any one direction on any one highway. The signs shall meet the criteria of the Agency of Transportation and the Travel Information Council. A sign that otherwise meets the requirements of this subdivision may refer to a census-designated place within a town rather than the town itself. As used in this subdivision, “census-designated place” means a statistical entity consisting of a settled concentration of population that is identifiable by name, is not legally

1 incorporated under the laws of the State, and is delineated as such a place by
2 the U.S. Census Bureau according to its guidelines.

3 * * *

4 * * * Effective Dates and Applicability * * *

5 Sec. 42. EFFECTIVE DATES; APPLICABILITY TO DUI MATTERS

6 (a) This section, Secs. 8 (positions), 9 (Rail Program), 10 (sale of
7 State-owned rail property), 22–28 (stormwater utilities; rates; incentives), 30
8 (statewide property parcel data layer), 33 (Quechee Gorge Bridge safety
9 issues), in Sec. 36, 23 V.S.A. § 1213(m) (Ignition Interlock Device Special
10 Fund), and Sec. 36a (spending authority and transfer to the Ignition Interlock
11 Device Special Fund) shall take effect on passage.

12 (b) All other sections shall take effect on July 1, 2016.

13 (c) The requirement for a second or subsequent DUI offender to operate
14 under an ignition interlock RDL or certificate as a condition of eligibility for
15 reinstatement of the offender’s regular operator’s license or privilege to
16 operate, created under Sec. 35, amending 23 V.S.A. § 1209a, shall apply only
17 in connection with a second or subsequent DUI offense that occurs on or after
18 July 1, 2016.

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE